

AMENDED IN ASSEMBLY MAY 3, 2006

AMENDED IN ASSEMBLY APRIL 20, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2510

Introduced by Assembly Member Lieu

February 23, 2006

An act to add Article 11.5 (commencing with Section 32410) to Chapter 3 of Part 19 of the Education Code, and to amend Section 11605 of the Health and Safety Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 2510, as amended, Lieu. Pupils: survey: harassment.

(1) Existing federal law requires local educational agencies that accept specified federal funds pursuant to the No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) to administer a specified survey at least once every two years, as specified.

This bill would require the survey to ~~additionally~~ *also* assess ~~pupils'~~ *the experiences of pupils* with harassment and bullying, as specified.

(2) Existing law requires the Attorney General to conduct a biennial survey of drug and alcohol use among pupils enrolled in grades 7, 9, and 11, and to prepare and distribute a report on the findings of the survey, as specified.

This bill would require the survey to ~~additionally~~ *also* assess ~~pupils'~~ *the experiences of pupils* with harassment and bullying, as specified. This bill would require the Attorney General to prepare and distribute a separate report focusing on bias-related discrimination and harassment incidents, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 11.5 (commencing with Section 32410)
2 is added to Chapter 3 of Part 19 of the Education Code, to read:

3
4 Article 11.5. Safe and Drug-Free Schools and Communities
5 Act
6

7 32410. (a) A survey administered by a local educational
8 agency for the purpose of complying with the requirements of
9 Title IV of the federal No Child Left Behind Act of 2001 (20
10 U.S.C. Sec. 6301 et seq.) shall include an assessment of the
11 following:

12 (b) (1) The experience of pupils with harassment and
13 bullying, including bias-related discrimination and harassment
14 based on the characteristics set forth in Section 220 of the
15 Education Code and Section 422.55 of the Penal Code, including:

16 (2) The frequency and type of harassment and bullying,
17 including bias-related discrimination and harassment incidents,
18 including, but not limited to, verbal harassment and physical
19 assaults.

20 ~~(3) The location at which harassment and bullying occurred,~~
21 ~~including, bias-related discrimination and harassment incidents,~~
22 ~~including, but not limited to, school property, on a school bus, at~~
23 ~~a school-sponsored activity or event off school property, and on~~
24 ~~the way to and from school.~~

25 ~~(4)~~

26 (3) The pupil's ability to report and frequency of reporting
27 harassment and bullying, including bias-related discrimination
28 and harassment incidents.

29 ~~(5)~~

30 (4) The outcome of reporting harassment and bullying,
31 including bias-related discrimination and harassment incidents.

32 ~~(6)~~

33 (5) The experience of pupils with school-based programs that
34 address harassment and bullying, including bias-related
35 discrimination and harassment.

1 SEC. 2. Section 11605 of the Health and Safety Code is
2 amended to read:

3 11605. (a) Commencing with the 1991–92 fiscal year, the
4 Attorney General, in consultation with the Governor’s Policy
5 Council on Alcohol and Drug Abuse, shall conduct a biennial
6 survey of drug and alcohol use and experience with harassment
7 and bullying among pupils enrolled in grades 7, 9, and 11. The
8 survey shall assess all of the following:

- 9 (1) The frequency and type of substance abuse.
10 (2) The age of first use and intoxication.
11 (3) Pertinent attitudes and experiences of pupils.
12 (4) The experience of pupils with school-based drug and
13 alcohol prevention programs.
14 (5) The experience of pupils with harassment and bullying,
15 including bias-related discrimination and harassment based on
16 the characteristics set forth in Section 220 of the Education Code
17 and Section 422.55 of the Penal Code, including:

18 (A) The frequency and type of harassment and bullying,
19 including bias-related discrimination and harassment incidents,
20 including, but not limited to, verbal harassment and physical
21 assaults.

22 ~~(B) The location of harassment and bullying, including,~~
23 ~~bias-related discrimination and harassment incidents, including,~~
24 ~~but not limited to, school property, on a schoolbus, at a~~
25 ~~school-sponsored activity or event off school property, and on~~
26 ~~the way to and from school.~~

27 ~~(C)~~

28 (B) The pupil’s ability to report and frequency of reporting
29 harassment and bullying, including bias-related discrimination
30 and harassment incidents.

31 ~~(D)~~

32 (C) The outcome of reporting harassment and bullying,
33 including bias-related discrimination and harassment incidents.

34 ~~(E)~~

35 (D) The experience of pupils with school-based programs that
36 address harassment and bullying, including bias-related
37 discrimination and harassment.

38 (6) As an optional component, the survey may examine the
39 risk factors associated with school dropouts.

1 (b) The biennial survey shall be based on a statewide sample
2 of pupils enrolled in grades 7, 9, and 11 and shall be consistent
3 with the surveys conducted by the office of the Attorney General
4 in the 1985–86, 1987–88, and 1989–90 fiscal years.

5 (c) The Attorney General shall release the findings of the
6 survey on or before May of each even-numbered year and shall
7 prepare and distribute a report on the overall survey results and a
8 separate report focusing on bias-related discrimination and
9 harassment incidents disaggregated by race, ethnicity, gender,
10 and sexual orientation to the Legislature, the Governor, the
11 Superintendent of Public Instruction, law enforcement agencies,
12 school districts, and interested members of the general public.

13 (d) In conducting the survey, the Attorney General shall
14 ensure that the confidentiality of participating school districts and
15 pupils shall be maintained. Pupil questionnaires and answer
16 sheets shall be exempt from the public disclosure requirements
17 prescribed by Chapter 3.5 (commencing with Section 6250) of
18 Division 7 of Title 1 of the Government Code.

19 (e) Persons reporting data pursuant to the requirements of this
20 article shall not be liable for damages in any action based upon
21 the use or misuse of pupil surveys that are mailed or otherwise
22 transmitted to the Attorney General, or his or her designee.

23 (f) The requirements prescribed by this article shall continue
24 to be funded with the existing resources of the Attorney General.